

REMARKS

Status of the Claims

Claims 1-8 are pending with Claims 1 and 8 being independent. Claims 1-4 and 6-8 have been amended. Support for the claim changes can be found in the original disclosure, and therefore no new matter has been added.

Requested Action

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections

Claims 1-6, and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi, U.S. Patent Publication Application No. 2003/0090750, in view of Shimizu, U.S. Patent No. 6,862,039. Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Shimizu, and Wheeler, U.S. Patent No. 7,133,070.

In response, while not conceding the propriety of the rejections, independent Claims 1 and 8 have been amended. Applicants submit that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an image pickup device comprising an imaging device, an instruction unit that instructs the selection of a given chromatic color area on a photography screen, and a white balance processing unit.

Claim 1 has been amended to recite a storage unit that stores a plurality of correction values which correspond to a plurality of persons' skin colors, respectively, and a selection unit that selects one of the plurality of persons' skin colors.

Claim 1 has also been amended to recite that the white balance processing unit specifies a color temperature of a light source on the basis of a correction value corresponding to the person skin color selected by the selection unit, and an output signal of the imaging device representing a parameter of the selected given chromatic color area, and conducts white balance processing in accordance with a white balance coefficient that corresponds to the specified color temperature of the light source.

In contrast, the citations to Takahashi and Shimizu are not understood to disclose or suggest a storage unit that stores a plurality of correction values which correspond to a plurality of persons' skin colors, respectively, a selection unit that selects one of the plurality of persons' skin colors, and a white balance processing unit that specifies a color temperature of a light source on the basis of a correction value corresponding to the person skin color selected by the selection unit, and an output signal of the imaging device representing a parameter of the selected given chromatic color area, and conducts white balance processing in accordance with a white balance coefficient that corresponds to the specified color temperature of the light source, as recited by amended Claim 1.

Rather, paragraph [0076] of the Takahashi publication is understood to disclose that skin lightness rather than skin color tint is used for color identification:

[0076] To improve the accuracy of optimization, information on a color other than gray may also be used. Skin color can be selected from subject colors as a color appearing frequently in photographing and comparatively stable in color tint among its variations. Skin color is thought to vary considerably with respect to human races (white race, yellow-skinned race, and black race). However, it is known through spectrometric analysis that skin color varies mainly in lightness among races and does not vary largely in spectral composition, that is, skin color has only small variation in the color tint. This characteristic of skin color can be utilized for color identification.

Thus, this citation is not understood to disclose or suggest a plurality of persons' skin colors, a) whose corresponding correction values are stored in a storage unit, b) one of which is selected by a selection unit, and c) the selected one of which corresponds to a correction value on the basis of which a light-source color temperature is specified by a white balance processing unit, as recited by amended Claim 1. And the Shimizu patent is understood to be merely relied upon in the Office Action to disclose an instruction unit for instructing a given chromatic color area on a photography screen.

Since the citations to Takahashi and Shimizu are not understood to disclose or suggest at least three features of amended Claim 1, Applicants submit that the Office has not yet established a prima facie case of obviousness against amended Claim 1. Therefore, Applicants respectfully request that the rejection of Claim 1 be withdrawn. And because corresponding method Claim 8 has been amended in a similar manner, this claim is submitted to be allowable for similar reasons. Therefore, Applicants respectfully request that the rejection of Claim 8 be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Applicants respectfully request that this Amendment After Final be entered. This Amendment was not presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicants believe that a full understanding and consideration of this Amendment would not require undue time or effort by the Examiner. Moreover, Applicants submit that this Amendment places the application in condition for allowance. Accordingly, entry of this Amendment is believed to be appropriate and such entry is respectfully requested.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form and entry of this amendment is considered proper. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
GMJ/klm

FCBS_WS 1996599v1